

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division**

IN RE:

OLDCO, LLC, SUCCESSOR BY MERGER
TO COLTEC INDUSTRIES INC,

Debtor.

Case No. 17-BK-30140

Chapter 11

[Joint Administration Pending]¹

**DEBTOR'S *EX PARTE* MOTION TO SUSPEND ENTRY AND SERVICE OF
STANDARD NOTICE OF COMMENCEMENT**

OldCo, LLC, debtor and debtor-in-possession in the above-captioned case and successor by merger to Coltec Industries Inc (“Coltec” or “Debtor”),² moves the Court, *ex parte*, for entry of an Order suspending entry and service of a standard notice of commencement of this chapter 11 case (this “Motion”). In support of this Motion, Coltec respectfully states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this Motion under 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue of these proceedings and this Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory bases for the relief requested herein are sections 105(a) and 342 of title 11 of the United States Code (the “Bankruptcy Code”) and Rules 2002(m) and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

¹ Contemporaneously with filing this Motion, Coltec moved to have its Chapter 11 case jointly administered with the chapter 11 cases of *In re Garlock Sealing Technologies LLC* (10-BK-31607), *In re Garrison Litigation Management Group, Ltd.* (10-BK-31608) and *In re The Anchor Packing Company* (10-BK-31606), with *In re Garlock Sealing Technologies LLC* serving as the lead case.

² For convenience, the term “Coltec” in this Motion refers to OldCo, LLC’s predecessor, Coltec Industries Inc, when referring to events prior to the Coltec Restructuring and refers to OldCo, LLC when referring to events subsequent to the Coltec Restructuring.

BACKGROUND

3. On January 30, 2017 (the “Coltec Petition Date”), Coltec filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “Coltec Bankruptcy Case”). Coltec is operating its business and managing its property as a debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee, examiner or creditors’ committee has been appointed in the Coltec Bankruptcy Case.

4. For additional background information regarding Coltec’s history and corporate structure and events leading to the Coltec Petition Date, Coltec refers the Court and parties in interest to the Debtors’ Motion for Order Directing Joint Administration of Related Chapter 11 Cases filed herein (the “Joint Administration Motion”) and the Declaration of Joseph Wheatley in Support of OldCo, LLC’s Chapter 11 Petition and First Day Motions filed herein (the “First Day Declaration”).³ In support of this Motion, Coltec relies on the First Day Declaration.

RELIEF REQUESTED

5. By this Motion, Coltec requests entry of an order suspending entry and service of a standard notice of commencement of this chapter 11 case, pending an order of the Court with respect to the Commencement Notice Motion (as defined below).

BASIS FOR RELIEF REQUESTED

6. Concurrently herewith, Coltec has filed the Debtor’s Motion for Approval of (I) Form of Notice of Commencement of Case, (II) Mailing and Publication Procedures for Notice of Commencement of Case, and (III) Related Relief (the “Commencement Notice Motion”). In the Commencement Notice Motion, Coltec requests entry of an order (a) approving the form of notice of commencement of this chapter 11 case (the “Commencement Notice”), (b) approving

³ Unless defined in this Motion, capitalized terms have the meanings ascribed to them in the Joint Plan and the Joint Administration Motion.

mailing procedures for distribution of the Commencement Notice to the Commencement Notice Parties (as defined in the Commencement Notice Motion), (c) approving publication procedures for the notice of the commencement of this chapter 11 case, and (d) otherwise limiting service of the notice of commencement of this chapter 11 case with respect to non-asbestos creditors of Coltec.

7. If the Court grants the Commencement Notice Motion, there will be no need for entry and service of the standard notice of commencement for a chapter 11 case. Granting this Motion will also help avoid confusion that may result from the docketing and service of multiple notices of commencement of this case. For this reason, Coltec respectfully requests that the Court enter an order, on an *ex parte* basis, suspending entry and service of the standard case commencement notice, pending an order of the Court with respect to the Commencement Notice Motion, pursuant to which, if approved, Coltec will serve the notice of commencement of this case in the form and manner set forth therein.

NO PRIOR REQUEST

8. No previous application for the relief requested herein has been made by Coltec to this or any other court

WHEREFORE, Coltec respectfully requests that the Court enter an Order, substantially in the form attached hereto as Exhibit A, (a) suspending entry and service of a standard notice of commencement of this chapter 11 case, pending an order of the Court with respect to the Commencement Notice Motion, and (b) granting such other relief as the Court deems just and proper.

[remainder of page left blank intentionally –
signature page of counsel follows]

This the 30th day of January, 2017.

/s/ Daniel G. Clodfelter

Daniel G. Clodfelter

N.C Bar No. 7661

danclodfelter@parkerpoe.com

William L. Esser IV

N.C. Bar No. 29201

willesser@parkerpoe.com

Ashley A. Edwards

N.C. Bar No. 40695

ashleyedwards@parkerpoe.com

PARKER POE ADAMS & BERNSTEIN, LLP

Three Wells Fargo Center

401 South Tryon Street, Suite 3000

Charlotte, NC 28202

Telephone: (704) 372-9000

Facsimile: (704) 334-4706

Proposed Counsel to OldCo, LLC, Debtor and Debtor-in-Possession

/s/ David M. Schilli

David M. Schilli

N.C. Bar No. 17989

dschilli@robinsonbradshaw.com

Andrew W.J. Tarr

N.C. Bar No. 31827

atarr@robinsonbradshaw.com

ROBINSON BRADSHAW & HINSON, P.A.

101 North Tryon Street

Suite 1900

Charlotte, NC 28246

Telephone: (704) 377-2536

Facsimile: (704) 378-4000

Proposed Special Corporate and Litigation Counsel to OldCo, LLC, Debtor and Debtor-in-Possession

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division**

IN RE:

OLDCO, LLC, SUCCESSOR BY MERGER
TO COLTEC INDUSTRIES INC,

Debtor.

Case No. 17-BK-30140

Chapter 11

**ORDER SUSPENDING ENTRY AND SERVICE OF
STANDARD NOTICE OF COMMENCEMENT**

Upon the Debtor's *Ex Parte* Motion to Suspend Entry and Service of Standard Notice of Commencement (the "Motion"); and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this is a core proceeding pursuant to 28 U.S.C. § 157; and upon the record herein; and upon consideration of the First Day Declaration,¹ and after due deliberation thereon; and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Clerk of this Court shall suspend entry and service of the standard notice of commencement, pending further order of the Court, to permit consideration of the

¹ Capitalized terms used but not defined herein shall have the meanings ascribed in the Motion.

Commencement Notice Motion, which, if approved, will obviate the need for such notice.

3. Any party shall be entitled to request a hearing or to request that the Court reconsider the entry of this Order upon a request filed within fourteen (14) days of service of this Order.

4. This Court shall retain jurisdiction over all matters arising out of or related to the Motion and this Order.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court